

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA : Criminal Action No. 06-27-GMS
v. :
ANDREW N. YAO :
Defendant. :

**DEFENSE COUNSEL'S MOTION TO WITHDRAW AS
ATTORNEY FOLLOWING NEW COUNSEL'S FORMAL APPEARANCE**

TO THE HONORABLE GREGORY M. SLEET, DISTRICT COURT JUDGE:

IT APPEARING that defendant Andrew N. Yao has formally retained new counsel, specifically, Brian McMonagle, Esq. of the law firm McMonagle, Perri & McHugh of 30 South 15th Street, Suite 701; Philadelphia, Pennsylvania 19102, and that new counsel has filed with this Court a Notice of Appearance, and that this change in counsel has been communicated to AUSA Shannon Hanson, the assigned AUSA in this matter, it is therefore the application of defendant's prior counsel, specifically Benjamin Brafman, Esq. and Marc Agnifilo, Esq. of the law firm of Brafmana & Associates, located at 767 Third Avenue; New York, New York 10017, that such prior counsel be permitted to formally withdraw from further representation of the defendant in this matter.

WHEREFORE, Benjamin Brafman, Esq. and Marc Agnifilo, Esq. of the law firm of Brafmana & Associates, located at 767 Third Avenue; New York, New York 10017, request

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permission to withdraw as counsel in favor of new counsel, whose notice of appearance has been filed with the Court.

A handwritten signature in black ink, appearing to read 'M. Agnifilo', is written over a horizontal line.

Marc Agnifilo, Esq.
Benjamin Brafman & Associates
767 Third Avenue
New York, New York 10017
(212) 750-7800

To: AUSA Shannon Hanson
Brian McMonagle, Esq.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA : Crim. Action No.
 : 06-27-GMS
 against :
 ANDREW N. YAO :
 Defendant. :

ORDER

AND NOW, this _____ day of January, 2007, upon consideration of counsel's motion to withdraw as counsel in light of the filing of a Notice of Appearance by new counsel,

IT IS HEREBY ORDERED, that Benjamin Brafman, Esq. and Marc Agnifilo, Esq., of the law firm Brafman & Associates are permitted to withdraw as counsel in this matter, and that from the date of this Order forward shall not be counsel of record;

IT IS FURTHER ORDERED, that Brian McMonagle, Esq. shall from the date of this Order forward be counsel of record.

BY THE COURT

HON. GREGORY M. SLEET
U.S. District Court Judge